



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Steve Fiore
Comfort Inn
71 Hall Street
Concord, New Hampshire 03301

LETTER OF DEFICIENCY
WMB PBF 02-20
May 10, 2002

Dear Mr. Fiore:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On May 1, 2002 and May 6, 2002, DES inspected the following public bathing facilities at the Comfort Inn, in Concord, NH: the indoor pool ("Pool") and spa ("Spa"). During these inspections the following deficiencies were noted:

A recommendation to drain and disinfect the Spa was issued on May 3, 2002. The inspection on May 1, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Spa water:

- (a) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained 980 cfu/mL.
2. A recommendation to drain and disinfect the Spa was issued on May 9, 2002. The inspection on May 6, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Spa water:
 - (a) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained 1,410 cfu/mL.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include a copy of two weeks of water quality test results for all facilities (please do not send originals).

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Limnology Center Director

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Russell A. Nylander, P.E., Chief Engineer, WD/DES ✓
Amy Wilson, Public Bathing Facility Coordinator, DES ✓
Eugene Blake, Health Officer, City of Concord